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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,245	12/08/2003	Massimo Pinto	17518	2506
25542	7590	02/06/2006		
CNH AMERICA LLC INTELLECTUAL PROPERTY LAW DEPARTMENT PO BOX 1895, M.S. 641 NEW HOLLAND, PA 17557			EXAMINER GOODEN JR, BARRY J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/730,245

Applicant(s)

PINTO, MASSIMO

Examiner

Barry J. Gooden Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plate et al., US Patent 5,639,119, in view of Nygren, Jr. et al., US Patent 5,888,012.

3. Plate et al. show all of the claimed elements including, a wheeled vehicle (10) comprising:

a chassis (12,14,16);

an axle (62) coupled to said chassis (12) to oscillate about a longitudinal axis parallel a direction of advance of the vehicle (10);

a pair of cylinders (86,86') disposed between said axle (62) and said chassis (12) for blocking oscillation of said axle (62); and a fixing assembly (See Figures 4 and 5) for fixing the cylinders (86,86') to said chassis (12,14,16), said fixing assembly comprising a plate (90,90',102,102'), a plurality of connection screws (100) extending through said plate.

4. Plate et al. show all of the claimed elements excluding at least one annular rest portion affixed in cantilever fashion to one of said chassis and said plate, said annular rest portion surrounding a corresponding one of said plurality of connection screws and defining a shoulder that supports said plate in a radial direction with respect to the axis of the connection screw; and

wherein said annular rest portion defines a cylindrical shoulder coaxial to said connection screw.

5. Nygren, Jr. et al. teach a fastening system useful in instances where at least one of a first or second member is subject to large shear forces (Abstract; See Figures 1 and 7). The fastening system

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connects the first (18) and second (14) members using a screw (22) and a sheath with an integral nut (42,156).

As such Nygren, Jr. et al. teach one annular rest portion (153) affixed in cantilever fashion (when tightened the rest portion (153) will be subjected to forces pressing (153) towards the first member (18)) to one of said chassis and said plate, said annular rest portion (153) surrounding a corresponding one of said plurality of connection screws (22) and defining a shoulder (157) that supports said plate (18) in a radial direction (due to frictional forces between the two surfaces (153,19) which is increased by the normal force, which is due to the tightness of the screw (22) and nut (42,156)) with respect to the axis of the connection screw (22);

wherein said annular rest portion (153) defines a cylindrical shoulder (157) coaxial to said connection screw (22); and

wherein said fixing assembly comprises a corresponding annular rest portion (153) for each of said connection screws (22); there being radial play (since the connection screw (22) touches neither the plate (18) nor the annular rest portion (153) there is radial play) between said connection screws (22) and the respective annular rest portions (153), and between said connection screws (22) and said plate (18).

6. Plate et al. disclose that as the stabilizing cylinders undergo upwardly directed forces it would be advantageous to provide means "for mechanically transferring at least part of the upwardly directed forces on the stabilizing cylinder assembly directly to the main frame" (Plate et al., Column 1, Lines 63-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connection of Plate et al. such that it comprised a fixing assembly as claimed in view of the teachings of Nygren, Jr. et al. so as to provide a more secure connection which could withstand large shear forces.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plate et al.

Plate et al. disclose all of the claimed elements (See Item 3 above) except those previously discussed (See Item 4 above).

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8. Washers are old and well known in the art. A washer would provide at least one annular rest portion (a first face) affixed in cantilever fashion (due to pressing force and friction) to one of said chassis and said plate (provided by Plate et al.), said annular rest portion (said first face) surrounding (a washer surrounds a screw) a corresponding one of said plurality of connection screws (provided by Plate et al.) and defining a shoulder (a shoulder is left broad so as to allow the outer cylindrical face including the edge connecting the cylindrical surface to the first and second faces of the washer to be considered a shoulder) that supports (due to frictional force) said plate in a radial direction (a second face abutting the plate would exert frictional force in a radial direction up to the shoulder of the washer) with respect to the axis of the connection screw; and

wherein said annular rest portion (said first face) defines a cylindrical shoulder coaxial to said connection screw.

It is noted that the shoulder portion is integral to the face portion of a washer as such there is no clear distinction where the shoulder ends and the face begins.

9. Plate et al. disclose that as the stabilizing cylinders undergo upwardly directed forces it would be advantageous to provide means "for mechanically transferring (frictionally) at least part of the upwardly directed forces on the stabilizing cylinder assembly directly to the main frame" (Plate et al., Column 1, Lines 63-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connection of Plate et al. to include a washer so as to provide a more secure connection which could withstand large shear forces.

***Allowable Subject Matter***

Claims 4 and 5 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 4 is directed to an external annular projection set axially between the chassis and the plate and welded to the chassis.

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**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

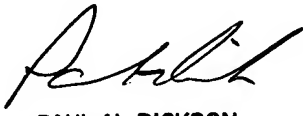
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barry J Gooden Jr.  
Examiner  
Art Unit 3616

BJG

 2/2/06  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600